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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,865	04/02/2001	Bart Gerard Boucherie	740612-166	7226

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NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

SNIDER, THERESA T

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/822,865	Applicant(s) BOUCHERIE, BART GERARD	
	Examiner Theresa T. Snider	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because it is suggested the 'gap' of page 4, line 15 and figure 3 be given a reference numeral for greater clarity. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 1, line 6(and occurrences thereafter), the use of 'platelets' is confusing; one typically associated the word with a component of blood.

Page 1, line 9(and occurrences thereafter), 'plastics' should be replaced with 'plastic'.

Appropriate correction is required.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, lines 2 and 4, 'plastics' should be replaced with 'plastic';

Line 4, it is unclear as to what is meant by 'platelets'; platelets typically refer to a component of blood;

Line 7, 'an' should be replaced with 'the';

Line 7, 'a' would be more appropriately replaced with 'one of the' (or the like);

Line 11, 'portion' should be inserted after 'surface';

Line 12, it is unclear as to what is meant by 'an energy concentrator'.

Claim 4, line 2, 'its tapered end' lacks proper antecedent basis;

Line 2, 'the weld joint' lacks proper antecedent basis.

Claim 5, line 2, 'body' should be replaced with 'bodies';

Line 2, 'platelet' should be replaced with 'platelets'.

Claim 6, line 2, 'body' should be replaced with 'bodies'.

Claim 7, line 2, it is unclear as to what is meant by 'an energy concentrator'.

Claims 8 and 9, line 2, 'body' should be replaced with 'bodies'.

Claim 11, line 2, 'plastics' should be replaced with 'plastic'.

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Claim 13, lines 2, 4 and 10, 'plastics' should be replaced with 'plastic';

Line 4, it is unclear as to what is meant by 'platelets'; platelets typically refer to a component of blood.

Claim 16, line 2, it is unclear as to whether the 'ultrasonic welding means' provides the ultrasonic welding of claim 1, line 8 or is in addition thereto.

Claim 17, line 3, 'portion' should be inserted after 'surface';

Line 3, 'characterized in that' should be replaced a phrase more commonly used in U.S. practice.

Claim 18, line 2, 'the interior' of what?

Line 3, it is unclear as to what is meant by 'matching' in the given context.

Claim 19, line 2, 'plastics' should be replaced with 'plastic.'

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 10, 13, 16-17 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rueb.

Rueb discloses providing brush bodies of a plastic material having an attachment surface portion (fig. 8, #26, col. 20, lines 3-4).

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Rueb discloses providing platelets of a plastic material having tufts of bristles attached thereto (fig. 8, #114, col. 20, lines 2-4).

Rueb discloses connecting the platelet to the brush body using ultrasonic welding (col. 5, lines 27-36 and col. 19, lines 48-54).

Rueb discloses the platelet having a peripheral rim on a face opposite to that where the bristles project (fig. 8, #114, rim being the bottom edge which contacts the bottom of recess #31).

With respect to claim 10, Rueb discloses a pressing means (col. 19, lines 52-54).

With respect to claims 13 and 16, Rueb discloses means for applying an adhesive to connect the platelets and the brush bodies (col. 20, lines 4-11 and col. 19, lines 48-54).

With respect to claims 3 and 13, Rueb discloses the brush bodies having a recess into which the platelet is inserted (fig. 8, #31).

With respect to claim 17, Rueb discloses the platelet having a peripheral rim on a face opposite to that where the bristles project (fig. 8, #114, rim being the bottom edge which contacts the bottom of recess #31). Rueb discloses connecting the platelet to the brush body using ultrasonic welding (col. 5, lines 27-36).

With respect to claim 19, Rueb discloses the platelets and the brush bodies being made of the same plastic material (col. 19, lines 67-68).

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Allowable Subject Matter

9. Claims 2, 4-9, 11-12, 14-15 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Li, Shou-Jen, Wessel, Jr. and Starr disclose a brush having a brush body and platelets with bristles attached thereto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

TTS
June 30, 2003

BSA

Theresa T. Snider
Examiner
Art Unit 1744